

**Remarks**

Claims 1, 3, 8, 10, 15, 17, 22, 24, 27 and 29 are amended. Claims 2, 4, 5, 9, 11, 12, 16, 18, 19, 23, 25, 26, 28, 30 and 31 are cancelled. Claims 32 - 46 are added. Claims 1, 3, 6 - 8, 10, 13 - 15, 17, 20 - 22, 24, 27, 29 and 32 - 46 are pending. Reexamination and reconsideration of this application, as amended, are respectfully requested.

The Examiner objected to the disclosure for certain informalities in the specification for specifying "Figure 4" instead of "Figures 4A-B." The applicants have amended the specification to correct these informalities.

The Examiner objected to claim 27 as lacking antecedent basis for "the firmware interface." This phrase has been deleted from claim 27 and the applicants respectfully submit that claim 27 is now in proper form.

The Examiner objected to 31, an apparatus claim, as depending from a method claim. Claim 31 has been cancelled and this objection is now moot.

The Examiner rejected claim 8 as being anticipated by U.S. Patent Publication No. 202/0053044 to Gold et al. (the "'044 publication") under 35 U.S.C. § 102 (e). This rejection is respectfully traversed.

The specification of the present application relates to, among other things, a processing system that may launch any one of a plurality of operating systems. The plurality of operating systems may comprise different versions of a particular operating system from one vendor or comprise operating systems from different vendors.

[specification, para. 26 and 33] In response to a system reset event, a boot manager

may determine which of the plurality of operating systems are capable of being hosted on the processing system. For an initially selected operating system, an associated OS loader sets a watchdog timer to expire following a **first interval** which is calculated based, at least in part, on the initially selected operating system. An unsuccessful attempt to launch the initially selected operating system is detected upon expiration of the watchdog timer following the first interval. The boot manager will subsequently select another operating system from among the plurality operating systems which is capable of being hosted on the processing system. An OS loader associated with the subsequently selected operating system may then set the watchdog timer to expire following a **second interval** which is calculated based, at least in part, on the subsequently selected operating system. [specification, paras. 34 - 38, Figure 3]

The '044 publication appears to show a system for attempting to launch an operating system stored on a first partition of a hard disk and attempting to launch an operating system stored on a second partition of the hard disk if the attempt to launch the operating system on the first partition fails. A watchdog timer is reset following a failure to launch the operating system stored on the first partition of the hard disk. ['044 publication, paras. 5 - 7]

Claim 8 of the present application distinguishes over the '044 publication by reciting, among other things:

logic to set a timer to expire at a **first interval** following the attempt to launch the first operating system, the **first interval being based, at least in part, on the first operating system; . . .**

logic to initiate a system reset of the processing system in response to detecting the unsuccessful attempt to launch the first operating system;

logic to attempt a launch of a second operating system from among the plurality of operating systems in response to the system reset; and

logic to set the timer to expire at a ***second interval*** following the attempt to launch the second operating system, the ***second interval being based, at least in part, on the second operating system.*** [emphasis added]

By merely showing the resetting of a watchdog timer when an attempt to launch an operating system from a partition of a hard disk fails, the '044 publication does not disclose, suggest or make obvious setting "a timer to expire at a ***first interval*** following the attempt to launch the first operating system" and setting "the timer to expire at a ***second interval*** following the attempt to launch the second operating system" as recited in claim 8. Accordingly, the applicant respectfully submits that claim 8, and claims 10, 13 and 32 - 34 depending therefrom, distinguish over the '044 publication. While differing in scope from claim 8 at least in part, the remaining claims recite limitations which are similar to those in claim 8 which are quoted above. Accordingly, the applicant respectfully submits that these claims similarly distinguish over the '044 publication.

The Examiner also rejected claim 8 as being anticipated by U.S. Patent No. 6,691,225 to Suffin (the "225 patent") under 35 U.S.C. § 102 (e). This rejection is respectfully traversed.

The '225 patent appears to show a fault tolerant system employing redundant components. Each of set of predefined "boot pairs" comprises a combination of a processor and I/O controller. Service management logic (SML) attempts to boot an operating system on a first boot pair and then attempts to launch the same operating system on a second boot pair if the attempt to launch on the first boot pair fails. ['225 patent, col. 7, ll. 26 – 42] However, the '225 patent does not disclose, suggest or make

obvious setting “a timer to expire at a ***first interval*** following the attempt to launch the first operating system” and setting “the timer to expire at a ***second interval*** following the attempt to launch the second operating system” as recited in claim 8. Accordingly, the applicant respectfully submits that claim 8, and claims 10, 13, 14 and 32 - 34 depending therefrom, distinguish over the '225 patent. While differing in scope from claim 8 at least in part, the remaining claims recite limitations which are similar to those in claim 8 which are quoted above. Accordingly, the applicant respectfully submits that these claims similarly distinguish over the '225 patent.

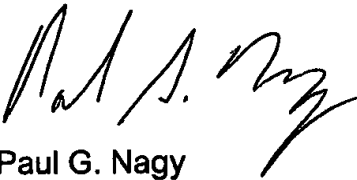
PATENT APPLICATION

042390.P11634

The applicants respectfully submit that the application is now in form for allowance. Reconsideration of this case is respectfully requested. Please charge Deposit Account #02-2666 for any fee payment deficiencies associated with this case. If the Examiner finds that this case is in any way not in proper form for allowance, the applicants request that the Examiner contact the applicants' representative at (310) 252-7621.

Respectfully submitted,

Gurumoorthy et al.

by 

Paul G. Nagy  
Assistant Director  
Intel Corporation  
Reg. No. 37,896

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c/o Blakely, Sokoloff, Taylor & Zafman, LLP  
12400 Wilshire Blvd., Seventh Floor  
Los Angeles, CA 90025-1026  
(310) 207-3800  
(310) 820-5988